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MAR 31 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Miller, et al.
TITLE : POLYCATIONIC STEROL DERIVATIVES AS TRANSFECTION AGENTS
APPLICATION NO. : 10/770,294
FILED : February 2, 2004
CONFIRMATION NO. : 1414
EXAMINER : Ford, Vanessa L.
ART UNIT : 1645
LAST OFFICE ACTION : December 1, 2005
ATTORNEY DOCKET NO. : YOUZ 2 00059-2

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed December 1, 2005 finally rejecting claims 23-70. An After Final Amendment and Response to Examiner's Action is being filed herewith.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

other than a small entity \$500.00

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02 FC:1251 120.00 OP

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01 FC:1401 500.00 OP

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3. EXTENSION OF TERM

Applicants hereby petition the Commissioner under 37 C.F.R. §1.136(a) for a one-month extension of time up to and including April 3, 2006 in which to file the accompanying Notice of Appeal. The last day in the period for a one-month extension of time is April 1, 2006, which falls on a Saturday. Therefore, in accordance with 35 U.S.C. §21(b), Applicants include the next business day for taking action, April 3, 2006, in the request for the extension of time. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. TOTAL FEES DUE

The total fee due is:

| | |
|------------------------|-----------------|
| Notice of Appeal Fee: | \$500.00 |
| Extension of Time Fee: | <u>\$120.00</u> |

5. METHOD OF PAYMENT

The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

3/31/06
Date



Scott A. McCollister, Reg. No. 33,961
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CERTIFICATE OF MAILING OR TRANSMISSION

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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| March 31, 2006 | Laurie A. Boylan |

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